

REMARKS

Claims 1 and 44 have been amended to require that the chalcogenide be in contact with the electrode. Clearly, in the case of the cited reference in column 2, there is no contact between the chalcogenide and the lower electrode. Instead, the lower electrode is always separated by the second dielectric layer. While electric current is caused to pass through the dielectric layer and thereby form a pore (see column 2, lines 53-55), the chalcogenide does not go into the pore since it has already been deposited. As a result, the chalcogenide never contacts the lower electrode.

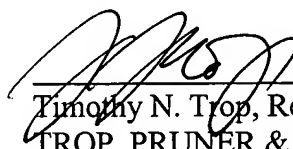
Therefore, in view of the amendment, reconsideration is requested.

The rejection of claim 37 is not understood. For the reasons indicated as to the allowability of claims 33 and 47, it is believed that claim 37 should also be allowable. The material set forth at the top of claim 5 seems to have nothing to do with the limitations of claim 37.

Therefore, reconsideration of the rejection of claim 37 is respectfully requested.

Respectfully submitted,

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